IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE ELEVENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MS JUSTICE G.ROHINI**

**WRIT PETITION NO : 13681 of 2004**

Between:

Vakalapudi Venkatarathnam, S/o. Rama Rao,
R/o. Kanuru Village, Peravali Mandal, West Godavari District.

**..... PETITIONER**

AND

1 Regional Joint Commissioner, Endowments Department, Kakinada.
2 The Assistant Commissioner Endowments Department, Eluru, West Godavari District.
3 Sri Vallabhaswamy Devasthanam, Kanuru Village, Peravali Mandal, West Godavari District,
rep by its Manager

**.....RESPONDENT(S)**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ, order or direction more particularly one in the nature of writ of Mandamus directing the respondent authorities No. 2 and 3 not to dispossess the petitioner from the land and extent of Ac. 4-97 cents in R.S. No. 174/3, 174/4 of Kanuru Village, Peravali Mandal, West Godavari District in pursuance of the orders passed by the 2nd respondent vide order RC No. A1/2782/04 dt. 05-06-2004 till the disposal of the appeal No. 78/04 on the file of 1st respondent.

**Counsel for the Petitioner: MR.G.KRISHNA MURTHY**

**Counsel for the Respondents: GP FOR ENDOWMENTS**

The Court made the following :

**HONOURABLE MS. JUSTICE G.ROHINI**

**W.P.No.13681 of 2004**

**ORAL ORDER**:

Heard the learned counsel for the petitioner and Smt.Indrani, learned counsel appearing for the respondents.

The petitioner, who not only claims to be the cultivating tenant in respect of the land belonging to the 3rd respondent-Devasthanam but also claims to be a landless poor person, filed this writ petition seeking a direction to the respondents not to dispossess him from the land in his possession in pursuance of the orders, dated 5.6.2004 of the 2nd respondent-Assistant Commissioner of Endowments.

As can be seen from the material on record, the Assistant Commissioner of Endowments has not accepted the claim of the petitioner that he is a landless poor person and accordingly, passed an order, dated 5.6.2004. The petitioner states that the said order was passed without affording any reasonable opportunity to the him to put forth his case and that he has already filed an appeal on 11.7.2004 before the Regional Joint Commissioner, Endowments Department, Kakinada. His grievance is that while appeal is still pending before the 1st respondent, the 3rd respondent is taking steps to dispossess him from the land in question. Hence, this writ petition.

Having heard the learned counsel for the petitioner and the learned counsel for the respondents and having regard to the fact that the statutory appeal is pending before the 1st respondent, I am of the view that it would be appropriate to protect possession of the petitioner till the disposal of the appeal. Accordingly, without expressing any opinion on the merits of the case, I deem it appropriate to dispose of the writ petition with a direction to the 1st

respondent to dispose of the appeal pending on his file against the order, dated 5.6.2004 of the Assistant Commissioner, Endowments Department, Eluru and to pass appropriate orders as expeditiously as possible preferably within a period of four weeks from the date of receipt of this order. Till the appeal is disposed of, there shall be a direction to the 3rd respondent not to dispossess the petitioner from the land in question.

The Writ Petition is accordingly disposed of. No costs.

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11-08-2004

To

1 Regional Joint Commissioner, Endowments Department, Kakinada.
2 The Assistant Commissioner Endowments Department, Eluru, West Godavari District.
3 The Manager, Sri Vallabhaswamy Devasthanam, Kanuru Village, Peravali Mandal, West Godavari District,

3 Two C.Cs. to the Government Pleader for Endowments, High Court Buildings, Hyderbad (OUT)

4 Two C.D copies.

Bcj/klp